REMARKS

The last Office Action has been carefully considered.

It is noted that claims 1 and 3-10 are rejected under 35 U.S.C. 103(a) over the patent to Schneider in view of the patent to Kaufman.

After carefully considering the Examiner's grounds for the rejection of the claims over the art, applicants have somewhat amended claim 1, the broadest claim on file.

It is respectfully submitted that the new features of the present invention which are now defined in claim 1 are not disclosed in the references applied by the Examiner in its original claims and also can not be derived from them as a matter of obviousness.

The present invention deals with a clamping element for fixing an article of clothing to a transverse support with a middle reinforced region and two outer leaf spring elements, wherein the leaf spring elements have a thickness that varies over the length. The variation of the thickness over the length of the leaf spring elements is provided to adapted them to a

magnitude of stresses acting on the clamping element so as to provide the least possible elongation of the leaf spring elements and therefore prevent relaxation or creep of the leaf spring elements.

Turning now to the references and in particular to the patent to Schneider, it can be seen, that as confirmed by the Examiner, the clothes hanger with a pants holding device as disclosed in the patent to Schneider does not have leaf spring elements with a thickness that varies over their length. Thus, it is believed to be clear that the patent to Schneider taken singly does not teach the new features of the present invention which are defined in claim 1.

The Examiner applied the patent to Kaufman in combination with the patent to Schneider. The patent to Kaufman deals with a capo for stringed instruments. In the Examiner's opinion the patent to Kaufman teaches the feature which is missing from the patent to Schneider, and when compared with the patent to Schenider, a combination would lead to the applicant's invention.

Applicants have to respectfully disagree with this position for the following reasons.

The patent to Kaufman that deals with a capo of string elements definitely relates to a non analogous art to the clothes hangers disclosed in the patent to Schneider and disclosed in the present application. A person of ordinary skill in the art related to the clothes hangers would not look for solutions in musical instruments to improve the clothes hangers. Thus, it is believed that it is not obvious to combine the teachings of the references at all.

In connection with this, the Examiner's attention is respectfully directed to some decisions related to the issues in the rejection of the parent application. In re Oetiker, 24 USPQ 2d 1443, 1446 (Fed. Cir. 1992) it was stated that:

> "The combination of elements from non-analogous sources in a manner that reconstructs the applicant's invention only with the benefit of hindsight, is insufficient to present a primafacia case of obviousness. There must be reason, suggestion or motivation found in the prior art whereby a person of ordinary skill in the field of the invention would make the combination. That knowledge can not come from the application itself.

Definitely, the patent to Kaufman does not provide any reason, suggestion or motivation to combine the capo for stringed instruments with a clothes hanger.

The patent to Kaufman specifically discloses that a spring bar has a varying width for accommodating certain curvatures and distributing force uniformly to or across the springs. It has nothing to do with the features of the present invention, which provide adaptation to a magnitude of stresses acting on the clamping element of the clothes hanger so as to provide the least possible elongation of the leaf spring elements and therefore prevent relaxation of creep of the leaf spring elements.

In re Clay, 23 USPQ 2d, 1058, 1060-61 (Fed. Cir. 1992) it was stated:

> "To criteria have evolved for determining whether prior art is analogous: 1) whether the art is from the same field of endeavor and 2) if the reference is not within the field of the inventor's endeavor, whether the reference still is reasonably pertinent to the particular problem with which the inventor is involved. A reference is reasonably pertinent if...is one which, because of the matter with which it deals, logically would have commended itself to the inventor's attention in considering his problem. If a reference disclosure has the same purpose as the claimed invention, the reference relates to the same problem, if is directed to a different purpose, the inventor would accordingly have had less motivation or occasion to consider it.

As for the first test, definitely the patent to Kaufman is not from the same field of endeavor. As for the second test, as explained herein above, the patent to Kaufman deals with a completely different problem than the problem solved in the applicant's invention.

It is therefore believed that for these reasons the rejection of the claims over the combinations of the patents to Schneider and Kaufman should be considered as no longer tenable and should be withdrawn.

The Examiner's attention is respectfully directed to the very important feature which is defined now in claim 1. The leaf spring elements of the inventive clamping element or clothes hanger have a thickness that varies over their length. This is not disclosed in the patent to Kaufman. In contrast, the spring bar disclosed in the patent to Kaufman has a varying width, not thickness as in the applicant's invention.

Thus, it is believed to be clear that claim 1 should be considered as patentably distinguishing over the art and should be allowed.

As for the dependent claims, these claims depend on claim 1, they share its presumably allowable features, and therefore it is respectfully submitted that they should be allowed as well.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,

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